

NOTICE OF PROPOSED ACTION

by the

U.S. Environmental Protection Agency (EPA) Region IX

Public Notice #: NM-09-W-14

Public Notice Date: August 4, 2009

Comment Period Closes: September 3, 2009

EPA is issuing a notice of proposed action under the Clean Water Act to issue National Pollutant Discharge Elimination System (NPDES) permit NN0029386 to Chevron Mining, Inc. (CMI) for the McKinley Mine, located 24 miles NW of Gallup on Highway 264, Gallup, NM 87305.

The proposed permit incorporates regulatory requirements for stormwater discharges associated with mining including facilities areas, mining areas, reclaimed lands and roads; and establishes effluent limitations and monitoring requirements consistent with the Clean Water Act and 40 CFR Part 440. Subsequent to EPA's promulgation of a new Subpart for Western Alkaline Coal Mining (40 CFR 440, Jan. 23, 2002), EPA denied an outstanding variance request (Feb. 13, 2008) and required CMI to submit a new permit application.

Treated stormwater from the mine is discharged to tributaries of the Rio Puerco located on lands within the Navajo Nation and the State of New Mexico.

EPA is soliciting comments on the proposal. EPA will consider all comments received during comment period before taking final action. To submit comments, or to obtain additional information including the proposed permit and administrative record, please contact: John Tinger, (415) 972-3518; Tinger.John@EPA.gov

EPA Region IX (WTR-5)

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